

REMARKS

In accordance with the foregoing, claims 9-13 are allowed, claims 3, 5, 8 and 23 have been cancelled without prejudice or disclaimer and claims 1, 4, 6, 7, 14, 15 and 21 have been amended. Claims 1, 2, 4-17, and 20-22 are pending and under consideration.

I. OBJECTION TO CLAIMS 3-6, 8, 22 AND 23:

In accordance with the foregoing, claims 3, 5, 8 and 23 have been cancelled without prejudice or disclaimer, and the features thereof have been incorporated into independent claims 1, 7, 15 and 23, respectively. Therefore, withdrawal of the objection to the claims is respectfully requested.

II. REJECTION OF CLAIMS 1, 2, 7, 15-17 AND 21 UNDER 35 U.S.C. § 102(e) AS BEING ANTICIPATED BY KANEMAKI ET AL. (U.S. PATENT NO. 6,229,820; HEREIN AFTER "KANEMAKI") (newly cited):

As mentioned above, independent claims 1, 7, 15 and 21 have been amended to include allowable subject matter from claims 3, 5, 8 and 23, respectively.

Regarding independent claim 16:

The Examiner does not address reasons for the rejection of claim 16 under 102(e). Therefore, the Applicant assumes that the rejection of claim 16 under 102(e) is an error.

Regarding independent claim 17:

At page 5 of the Office Action, the Examiner asserts that in column 9, lines 40-48, Kanemaki discloses "a path selecting device to select an unconnected path having a bandwidth which is largest among paths to provide a requested service," as recited in claim 17. However, the Applicant respectfully submits that Kanemaki fails to disclose this feature.

Instead, at column 9, lines 40-48, Kanemaki merely discloses a plurality-of-connection call setup process where a call connection request message is generated according to the image data, text data and the voice data and contains data about the bandwidths required for transferring the image data.

Accordingly, claims 1, 2, 7, 15-17 and 21 patentably distinguish over Kanemaki. Therefore, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIM 14 UNDER 35 U.S.C. § 102(e) AS BEING ANTICIPATED BY

THE ADMITTED PRIOR ART ("APA"):

Claim 14 has been amended to recite similar features as those recited in claim 13. Therefore, the Applicant respectfully submits that the APA fails to disclose "sending a request message for a first path of the plurality of paths from the subscriber to the switching system, where a number of paths required to provide the application service for the subscriber is determined based upon the request message for the first path...and sending request messages from the same subscriber for the application service equivalent to the number of paths successively to the switching system," as recited in amended claim 14.

Instead, FIG. 2 of the APA discloses sending subscriber A sending a call setting request message to set the control channel, the switching system securing the control channel bandwidth and sending the message to the server. The server then sends a path completion response message to the Subscriber A. Next, the subscriber A sends a second message to set the voice channel, and secures the voice channel in the same manner as that of the control channel. That is, in the APA, the number of paths required to provide the application service is not determined based upon the call setting request message sent by subscriber A to set the control channel.

Therefore, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIMS 16 AND 20 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER THE APA IN VIEW OF KANEMAKI:

At page 7 of the Office Action, the Examiner admits that the APA fails to disclose "sending a plurality of request messages from the subscriber to the switching system, in order from large bandwidth to small bandwidth, to set various bandwidths which correspond to the multiple paths required to provide the application service," as recited in claim 16. However, the Examiner asserts that Kanemaki makes up for the deficiencies of the APA.

The Examiner again asserts that Kanemaki discloses this feature at column 9, lines 46-47. However, as mentioned in section II above, at column 9, lines 46-47, Kanemaki merely discloses a call connection request message is generated according to the image data, text data and the voice data and which contains data about the bandwidths required for transferring the image data. Therefore, Kanemaki fails to make up for the deficiency of the APA.

Thus, the combination of the APA and Kanemaki fails to establish a prima facie case of obviousness over the present invention. Therefore, it is respectfully submitted that the rejection is overcome.

V. CONCLUSION:

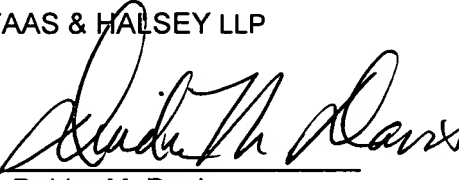
In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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